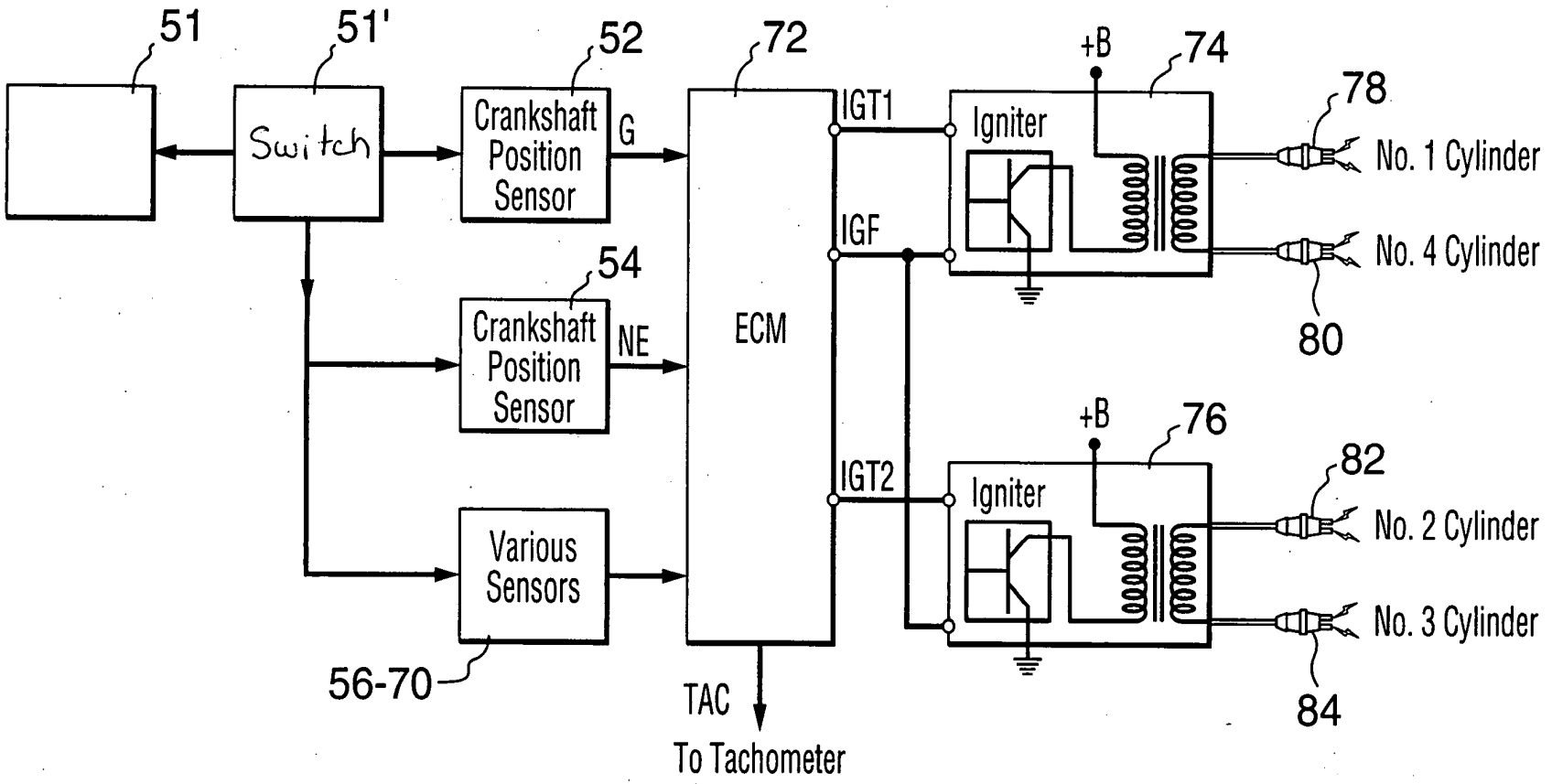

FIG. 6

REMARKS

Claims 1 through 21 remain in the application.

Applicant would like to thank the Examiner for the indication of allowable subject matter in claims 19 through 21. Applicant respectfully requests the Examiner to consider its position in respect of the objections made on the record.

Initially, to deal with the objections claim 14 has been amended to now refer to the switch as a combined electrical mechanical switch. In respect of claim 6 through 15, the Examiner has kindly pointed out that the terminology in the preamble was inaccurate. Applicant has amended claim 5 to refer to the arrangement as a combination and it is thus believed that the preamble in the dependent claims is now accurate.

The drawings have been amended to reference "Switch" as requested. No further matter has been added. The specification has been amended to reference the lineage of the case and to correct minor typographical errors.

In respect of the objections under 35 U.S.C. §102, the primary reference appears to be the Kojima et al. reference (U.S. Patent No. 6,077,133). In his position the Examiner has stated that Kojima et al. clearly provide an arrangement for preventing unauthorized access to a vehicle and a method for preventing unauthorized access where the arrangement includes a motor, a power source for the motor, a magneto and a stator housed within a housing and an ignition generator coil connected in electrical communication with the magneto. Claims 3, 4, 7, 8 and 13 through 15 have also been indicated to be anticipated by the Kojima et al. reference. Applicant has reviewed Kojima et al. in detail and would ask the Examiner to consider the following points.

Applicant does not disagree with the Examiner that there are numerous parts common with Kojima relative to the claimed invention. Applicant does not dispute this at all nor is this disputed by Kojima who indicates in Column 3 beginning at Line 47 where it is indicated that:

> "The construction of the outboard motor 11 as thus far described may be considered to be conventional. Since the invention deals primarily with the security or locking system for the outboard motor 11, more detail of the construction of the outboard motor 11 is not believed to be necessary to prevent those skilled in the art to practice the invention..."

The security system is indicated generally by reference numeral 51 and includes a key 52 that is placed into a key reader and/or tumbler mechanism 53. As the Examiner will appreciate from Figure 2, the system is exposed once the cowling 18 is removed from the structure. This exposes the entire engine as well as the circuit shown in Figure 3. In this respect, the overall circuit is within the housing, but in this case it is the straightforward cowling which is functioning as the housing in the outboard situation. If one simply removes the cowling there is access to the circuit used to start the motor. In this regard, the circuit is entirely extraneous of the engine housing and thus is readily accessible for circumvention or some other form of disablement.

In Applicant's arrangement, the driving force behind the entire concept has been to avoid unauthorized access. This has been achieved by mounting the circuit that would otherwise be tampered with directly within the engine housing. It is clear that tampering with the circuit when it is positioned within the housing is not only extremely cumbersome and time consuming, but also difficult and in some cases as in the case of a water craft or snowmobile requires the use of special tools and skills in order to provide access to the interior of the engine housing.

From the claims of the application at the outset, Applicant has indicated that the circuit is positioned directly within the housing. This is simply not the case with Kojima et al. as once the cowling or cover portion 18 is removed, the power head is completely exposed and can be easily accessed. More often than not, the cowlings are simply spring clipped arrangements which are designed for easy removal so that one can effect repairs etc. to the power head.

In view of the fact that Applicant has now amended its claims to make reference to the fact that the housing is the engine housing and that the circuit is mounted within the engine housing, the latter having been included with the claims on filing, it is believed that the objection to the claims in view of Kojima et al. is overcome.

In terms of the rejections to the intervening dependant claims it is also believed that by this amendment the rejections are overcome.

In the Action the Examiner has also indicated that claims 9, 10 and 16 through 18 are obvious in view of Kojima and Phelon et al. (United States Patent No. 2,892,110). The Examiner's position is that Kojima teaches the system comprising the magneto and stator but does not specifically disclose the stator comprising a stator plate. Phelon et al. provide the stator plate.

Applicant, in view of the amendments made to the case respectfully disagrees with the applicability of the combination of Kojima et al. with Phelon et al. Kojima et al. is reference which is deficient an anti-theft circuit which is disposed within the engine housing. To reiterate, Kojima et al. provides the anti-theft mechanism which is extraneous the engine housing and is therefore vulnerable to tampering. In Applicant's arrangement, since the structure is disposed within the engine housing, the engine effectively must be disassembled in order to gain access to the anti-theft circuit. The Phelon reference simply provides a well known magneto mechanism and in view of the deficiency of the Kojima et al. reference, the Phelon reference adds nothing to Kojima et al. to render obvious the claimed invention.

In view of the position taken with respect to the above-mentioned combination, it is believed that the intervening dependant claims also define a patentable subject matter over the combination.

It is also believed that the Examiner has taken a statement made by Applicant out of context. In the Action the Examiner states that he agrees with the statement that the positioning of the interrupt circuit between the stator and the magneto is not a critical part of the invention and that the circuit could be positioned anywhere within the housing as long as a suitable connection to the ignition generator coil is provided. This

is quite true; however, the housing that Applicant is referring to is the engine housing itself not a housing formed by a straightforward removable cowling. As stated herein previously, a cowling and any other generic "shell" or removable cover does not define engine housing. The engine housing is housing which contains critical engine components mounted therein. The cowling and ancillary body part is more appropriately referred to as a removable casing. In this regard, Applicant submits that the Kojima et al. reference is substantially the same as existing snowmobile anti-theft systems and more particularly, that system which is generally referred to as a "DSS" system which is well known and manufactured by the Bombardier company.

Finally, claims 11 and 12 have been deemed unpatentable over the combination of Kojima et al. in view of Maxon (United Stated Patent No. 5,927,240).

Applicant has stated its position with respect to Kojima et al. and similar comments are applicable in addressing this sequence of rejections. In terms of the Maxon reference, Maxon has been applied to indicate that the switch means may comprise remote control switch means and that the remote control switch includes a transmitter and a receiver. Apart from the fact that there are similarities in a transmission and/or a switch means, Maxon adds effectively nothing to the combination which is already deficient. Kojima et al., as discussed herein previously lacks any teaching that is directed to the point of Applicant's invention, namely the disposition of the circuit within the engine housing itself so that removals/tampering is substantially complicated if not impossible. Maxon simply teaches a switch which may be remote etc. There is no other indication that Maxon together with Kojima could eliminate or at least bring into question the patentability of the claimed invention in view of the dependency and amendments made to the claims.

Applicant believes that by the amendments and the specificity of the location of the circuit directly within the engine housing is a substantial difference over the prior art, which the prior art has not recognized. Reconsideration is respectfully requested in view of the amendments.

Applicant would like to thank the Examiner, once again, for the indication of allowable subject matter.

Respectfully submitted,
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By _____

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